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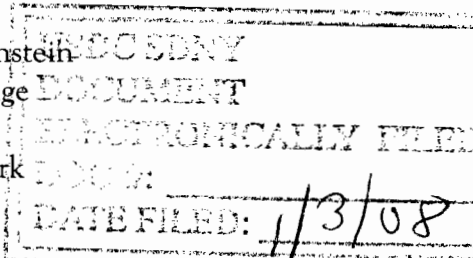
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MEMORANDUM ENDORSED

December 28, 2007

Via FedEx

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Romero v. BNP Paribas
07 Civ. 9302 (CM) (GWG)

Dear Judge Gorenstein:

I am writing to request Court permission to resolve a discovery dispute in the above case that counsel for both parties have been unable to resolve after written correspondence and discussing the matter by telephone in accordance with your Rules. The dispute involves Defendant's need for a second day to conduct Plaintiff's deposition. Your Honor may recall that Defendant previously requested in writing that the Court allow Defendant two days to conduct Plaintiff's deposition. Plaintiff's counsel opposed the request and Your Honor issued an Order dated November 27, 2007. A copy of the written submissions of the parties and this Court's Order are attached as Exhibits A, B and C.

BACKGROUND

Although the Court in its Order expressed the view that "plaintiff's counsel commonly agrees to exceed the seven hour limit when plaintiff is a key witness," Your Honor expressly concurred with the reasoning in *Malec v. Trustees of Boston College*, 208 F.R.D. 23 (D. Mass. 2002), stating that:

the better practice is for the deposition to go forward to determine how much is able to be covered in the seven hours and, then, if additional time is needed, for counsel to stipulate to extend the deposition for a specific additional time period. If the parties cannot reach a stipulation, then Court intervention may be sought.

Plaintiff's deposition was commenced on Thursday, December 20, 2007, and it continued for 7 hours and 12 minutes.

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